

Remarks

Claim Status

Claims 2-7 and 9-21 are pending in the Application. Claims 2, 7, 12, and 18 are independent. Independent claim 12 was allowed.

Independent claims 2 and 18 were rejected as obvious pursuant to 35 U.S.C. § 103(a) over Weigel (US 5,234,209).

Independent claim 7 was rejected as obvious pursuant to 35 U.S.C. § 103(a) over Weigel in view of Ebihara (US 4,787,617).

The Amendment

Claim 7 has been amended to include the subject matter from claim 8. Entry of the amendment is respectfully requested. The amended claim does not raise the issue of new matter as the subject matter therein has already been claimed and examined. The amendment also does not present additional claims but rather cancels claims. Nor does the amendment present new issues requiring further consideration or search, because the subject matter therein was previously claimed and examined. Additionally, even an amendment after an appeal is permitted entry to rewrite dependent claims into independent form (37 CFR § 41.33(b)(2) and MPEP § 1206).

Reconsideration is respectfully requested

Applicants respectfully submit that the Office Action dated November 17, 2006 ("Action") does not answer all of Applicants' traversals. Therefore, the Office is not in compliance with MPEP § 707.07(f) which states "Where the applicant traverses any rejection, the examiner" is to "take note of the applicant's argument and answer the substance of it."

Claim 2

Claim 2 recites that "the gate is arranged to move in an upward direction during

movement toward the open position". Applicants had argued (at the paragraph bridging pages 20-21 in their Response dated August 25, 2006) that "Weigel further does not teach a presenter gate that moves *upward* during opening. Conversely, the alleged gate (42) (i.e., the folding flap of the currency container 14) in Weigel moves downward during its opening (e.g., col. 6, lines 45-49)". The Action does not address Applicants' argument.

Claim 18

Claim 18 recites that "the gate correspondingly moves in an opening direction as each pin moves upward in a respective slot". Applicants had argued (on page 21 of their Response) that "Weigel also does not teach the recited relationship between the gate and pin, where the gate moves in an opening direction as the pin moves upward. Conversely, as the alleged pin (68) in Weigel is pulled upward, the alleged gate (42) moves to close (instead of open)". The Action does not address Applicants' argument.

Claim 7

Claim 7 recites that "the presenter includes a plurality of belts, wherein each center portion [located between tapering portions] supports a respective belt thereon".

With regard to Weigel, Applicants had argued (on page 22 of their Response) that "The relied upon structure (mechanically engaging levers) of the alleged presenter (10) in Weigel does not include or need belts" and "Where does Weigel have any roller with a belt thereon?". The Action does not address Applicants' argument.

With regard to Ebihara, Applicants had argued (on page 22 of their Response) that "The alleged 'plural rollers' (13) in Ebihara is actually a single accumulating wheel. Nor does the wheel (13) support a belt". The Action does not address Applicants' argument.

Claim 7 (additional remarks)

Applicants respectfully continue to traverse the rejection of claim 7. Nevertheless, claim 7 has been amended to advance prosecution. The subject matter from claim 8 has been added to claim 7. Claim 7 now recites (in a manner similar to claim 2) that the gate moves in an upward direction during movement toward the open position. Note Applicants' above remarks concerning claim 2.

The Office's position on all issues is absent in the record

The Office has failed to answer Applicants' arguments. As a result, the Office did not "properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply" in accordance with MPEP § 706.02(j). The Office's position on key issues is absent in the record. The absence will likely result in a Remand to the Examiner from the Board of Patent Appeals and Interferences, thus causing avoidable prosecution delay. Furthermore, because the Office has avoided Applicants' arguments and has not made its reasons for rejection known in the record, the finality of the rejection is improper.

Conclusion

Applicants respectfully submit that this application is in condition for allowance.

Respectfully submitted,


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